



Congress of the United States

House of Representatives

Washington, DC 20515

The Honorable Margaret Spellings
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-0001

April 21, 2006

Dear Secretary Spellings:

It has come to our attention that the U.S. Department of Education and the Office of Indian Education have been advocating for a “gradual shift of focus from history and culture to reading and math¹” in the utilization of formula grants under Title VII of the No Child Left Behind law. We are concerned that this guidance contravenes the self-determination clause found in the law and reaffirmed by the President’s 2004 Executive Order regarding Native education.

Therefore, we write to request written clarification on the Department of Education’s policy regarding the use of Title VII funds to support Title I activities, the percentage of Title VII grants that include culture and Native language in their activities and programming, and the Department’s efforts to consult with the National Advisory Council on Indian Education regarding the implementation of the President’s Executive Order.

As outlined in law, Title VII should be used to expressly meet the “unique education and culturally related academic needs” of Indian children. It is our expectation that this confusion be resolved before the Fiscal Year 2007 grant cycle so that schools can focus the appropriate resources provided by Title VII in serving the needs of Native students guaranteed to them by the law. As the law dictates, Title VII funding should be allocated for that purpose and should not be siphoned off to support the goals of other titles of the NCLB law, at the expense of Native culture and the children set to inherit it.

We share in many of the concerns recently expressed by leaders in the Native American community regarding Title VII. The elimination of parental involvement and student incentives in Title VII has weakened the abilities of educators to engage students and their families in critical aspects of the student’s education. Native education leaders have also expressed concern that Title VII grants are being advised to not include culture in the activities of the grant. Furthermore, there is a great concern that the combining of the grant process for Titles I and VII has eroded the critical role Title VII plays in the education of Native American children. This “efficiency” has resulted in the administration of Title VII grants to more often fall within the purview of a Title I program administrator, rather than a Title VII administrator who often has strong ties to the Native American community. All of these factors have led to the gradual weakening of the intention of Title VII.

By law, Native children are required to have access to culturally relevant and appropriate curriculum that support their academic achievement so that they may meet the standards that all children are to meet. In fact, Title VII states:

¹ Correspondence from Bernard Garcia, Group Leader, Office of Indian Education, US Department of Education to Patricia Harvey, Superintendent, St. Paul Public Schools, received November 4, 2005.

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children. (emphasis added)

Also, as you know, President Bush's Executive Order is clear in its desire to protect Native Language and culture in the education of Native children. The Executive Order states:

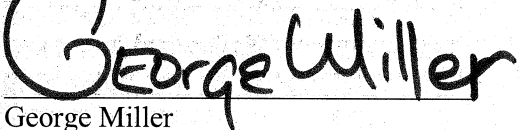
This Administration is committed to continuing to work with these Federally recognized tribal governments on a government-to-government basis, and supports tribal sovereignty and self-determination. It is the purpose of this order to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 (Public Law 107-110) in a manner that is consistent with tribal traditions, languages, and cultures.

This Executive Order is very clear in the Administration's intention to follow the law and support Native children in meeting the academic standards of No Child Left Behind in a way that is consistent with Native cultures, and tribal traditions and language.

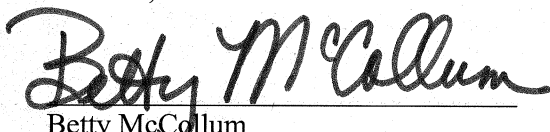
Enclosed are copies of resolutions that originated in the State of Minnesota as a result of hearings conducted across Indian country regarding Title VII. These resolutions are in support of Tribal sovereignty and self-determination in the education of Native children and support the law that allows local education agencies to meet the culturally-relevant academic needs of Native Indian children with Title VII resources. In addition, these documents clearly articulate the need for the Department of Education to address the disparity between what is law and what is practiced in regards to Tribal language and culture in the education of Native children. Research has shown that Native children perform better academically when learning includes references to language and culture. We must confirm and strengthen our commitment to Native children so that they too can succeed academically, while preserving their historic cultures and traditions.

We look forward to hearing from you on this important matter and we hope you will work with us to ensure the Department of Education abides by the law governing the role of local educational agencies in meeting the culturally relevant needs of American Indian children. Thank you for your time and consideration.

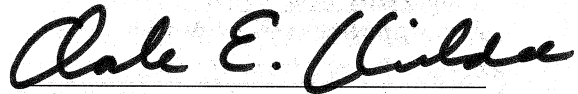
Sincerely,



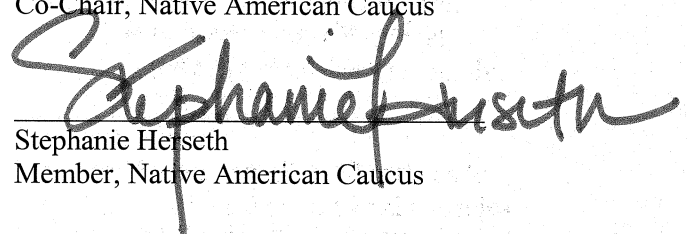
George Miller
Senior Democrat
Committee on Education and the Workforce
Member, Native American Caucus



Betty McCollum
Committee on Education and the Workforce
Member, Native American Caucus



Dale E. Kildee
Senior Democrat
Subcommittee on 21st Century Competitiveness
Co-Chair, Native American Caucus



Stephanie Herfeth
Member, Native American Caucus

Indian Education Resolution Regarding Tribal Language and Culture

Whereas, according to Title VII of Public Law 107-110, enacted on January 8, 1992, it is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children, and

Whereas, it is the purpose of Title VII to support local educational agencies ... to meet the unique educational and culturally related academic needs of American Indians, so that such students can meet the same challenging state student academic achievement standards as all other students are expected to meet, and

Whereas, Title VII programs are required to be designed with special regard for the language and cultural needs of the Indian students and

Whereas, Title VII programs may include culturally related activities;

Whereas, President Bush has recognized the unique educational and culturally related academic needs of American Indian and Alaska Native students consistent with the unique political and legal relations of the Federal Government with tribal governments,

Whereas, President Bush's Executive Order on American Indian and Alaska Native Education 13336 supports tribal sovereignty,

Whereas, the Executive Order states that its purpose is to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 in a manner that is consistent with tribal traditions, languages, and cultures, and

Whereas, staff of the Office of Indian Education Office, Department of Education does not recognize the unique educational and culturally related academic needs of American Indians and does not allow local educational agencies, in collaboration with Indian education parent committees, to utilize Title VII funds for this purpose,

Whereas, the Office of Indian Education does not recognize or support the State of Minnesota challenging standards in world languages, social studies or performing arts, and

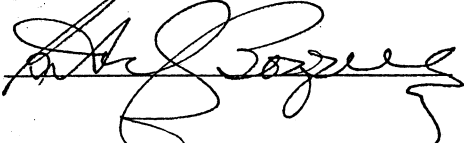
Whereas, the Office of Indian Education does not recognize educational standards established by Minnesota tribes,

Now therefore be it resolved that the Osseo Area Schools American Indian Parent Committee requests the Congress to direct the Department of Education to allow local educational agencies to meet the culturally related academic needs of American Indian students in a manner consistent with recommendations by Indian Education parent committees and tribal governments.

Be it further resolved that the Osseo Area Schools American Indian Parent Committee requests that this direction occur prior to the FY 2007 grant cycle.

Osseo American Indian Parent Committee Chair:

Date:



1/17/2006

Indian Education Resolution Regarding Tribal Language and Culture

Whereas, according to Title VII of Public Law 107-110, enacted on January 8, 1992, it is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children, and

Whereas, it is the purpose of Title VII to support local educational agencies ... to meet the unique educational and culturally related academic needs of American Indians, so that such students can meet the same challenging state student academic achievement standards as all other students are expected to meet, and

Whereas, Title VII programs are required to be designed with special regard for the language and cultural needs of the Indian students and

Whereas, Title VII programs may include culturally related activities;

Whereas, President Bush has recognized the unique educational and culturally related academic needs of American Indian and Alaska Native students consistent with the unique political and legal relations of the Federal Government with tribal governments,

Whereas, President Bush's Executive Order on American Indian and Alaska Native Education (13336) supports tribal sovereignty,

Whereas, the Executive Order states that its purpose is to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 in a manner that is consistent with tribal traditions, languages, and cultures, and

Whereas, staff of the Office of Indian Education Office, Department of Education does not recognize the unique educational and culturally related academic needs of American Indians and does not allow local educational agencies, in collaboration with Indian Education parent committees, to utilize Title VII funds for this purpose,


Whereas, the Office of Indian Education does not recognize or support the State of Minnesota challenging standards in world languages, social studies or performing arts, and

Whereas, the Office of Indian Education does not recognize educational standards established by Minnesota Tribes,

Now therefore be it resolved that the **Saint Paul Public School Indian Education Parent Committee** requests the Congress to direct the Department of Education to allow local educational agencies to meet the culturally related academic needs of American Indian students in a manner consistent with recommendations by Indian Education parent committees and tribal governments.

Be it further resolved that the **Saint Paul Public Schools Indian Education Parent Committee** requests that this direction occur prior to the FY 2007 grant cycle.

Saint Paul Public Schools, Indian Education Parent Committee


Parent Committee Chair
Date: 1/9/2006

Indian Education Resolution Regarding Tribal Language and Culture (Six Metro Programs)

Whereas, according to Title VII of Public Law 107-110, enacted on January 8, 1992, it is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children, and

Whereas, it is the purpose of Title VII to support local educational agencies ... to meet the unique educational and culturally related academic needs of American Indians, so that such students can meet the same challenging state student academic achievement standards as all other students are expected to meet, and

Whereas, Title VII programs are required to be designed with special regard for the language and cultural needs of the Indian students and

Whereas, Title VII programs may include culturally related activities;

Whereas, President Bush has recognized the unique educational and culturally related academic needs of American Indian and Alaska Native students consistent with the unique political and legal relations of the Federal Government with tribal governments,

Whereas, President Bush's Executive Order on American Indian and Alaska Native Education (13336) supports tribal sovereignty,

Whereas, the Executive Order states that its purpose is to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 in a manner that is consistent with tribal traditions, languages, and cultures, and

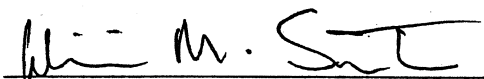
Whereas, staff of the Office of Indian Education Office, Department of Education does not recognize the unique educational and culturally related academic needs of American Indians and does not allow local educational agencies, in collaboration with Indian Education parent committees, to utilize Title VII funds for this purpose,

Whereas, the Office of Indian Education does not recognize or support the State of Minnesota challenging standards in world languages, social studies or performing arts, and

Whereas, the Office of Indian Education does not recognize educational standards established by Minnesota Tribes,

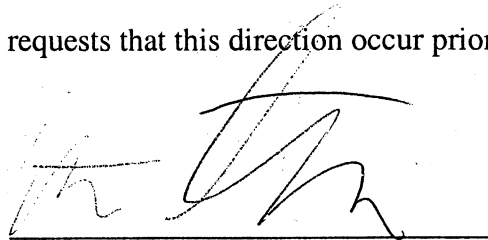
Now therefore be it resolved that the **Saint Paul Indian in Action (community leaders group)** requests the Congress to direct the Department of Education to allow local educational agencies to meet the culturally related academic needs of American Indian students in a manner consistent with recommendations by Indian Education parent committees and tribal governments.

Be it further resolved that the **Saint Paul Indian in Action** requests that this direction occur prior to the FY 2007 grant cycle.



Saint Paul Indian in Action, Co-Chair

Date: 2/8/06



Saint Paul Indian in Action, Co-Chair

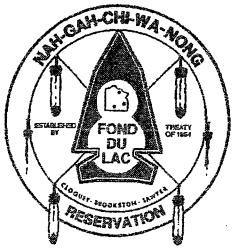
Date: 2-8-06

Fond du Lac Reservation

Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION #1027/06



Chairman
Peter J. Defoe

Secretary/Treasurer
Kevin R. Dupuis, Sr.

Dist. I Councilman
Eugene Reynolds

Dist. II Councilman
V.R. "Butch" Martineau

Dist. III Councilman
Roger "Bouda" Smith, Sr.

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, according to Title VII of Public Law 107-110, enacted on January 8, 1992, it is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children; and

WHEREAS, it is the purpose of Title VII "to support local educational agencies . . . to meet the unique educational and culturally related academic needs of American Indians, so that such students can meet the same challenging state student academic achievement standards all other students are expected to meet"; and

WHEREAS, Title VII programs are required to be designed with special regard for the language and cultural needs of the Indian students; and

WHEREAS, Title VII programs may include culturally-related activities; and

WHEREAS, President Bush has recognized the unique educational and culturally-related academic Needs of American Indian and Alaska Native student consistent with the unique political and legal relations of the Federal Government with tribal governments; and

WHEREAS, Presidential Executive Order No. 13336 on American Indian and Alaska Native Education, signed by President Bush, supports tribal sovereignty and self-determination; and

WHEREAS, the Executive Order states that its purpose is to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 in a manner that is consistent with tribal traditions, language and cultures; and

WHEREAS, staff of the Office of Indian Education, Department of Education, does not recognize the unique educational and culturally-related academic needs of American Indians, and does not allow local educational agencies, in collaboration with Indian education parent committees, to utilize Title VII funds for this purpose; and

WHEREAS, the Office of Indian Education does not recognize or support the State of Minnesota's challenging standards in world languages, social studies or performing arts; and

WHEREAS, the Office of Indian Education does not recognize educational standards established by Minnesota Indian tribes;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee requests the Congress to direct the Department of Education to allow local education agencies to meet the culturally-related academic needs of American Indian students in a manner consistent with recommendations by Indian education parent committees and tribal governments; and

BE IT FURTHER RESOLVED, that the Fond du Lac Reservation Business Committee requests that this direction occur prior to the FY 2007 grant cycle.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on February 9, 2006, on the Fond du Lac Reservation.


Peter J. Defoe, Chairman


Kevin R. Dupuis, Sr., Secretary/Treasurer